

Message Text

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TAGS: PBOR, KS

SUBJ: LAW OF THE SEA SEMINAR

REF: SEOUL 6089, 4998; USIA 17009, 12745

IN CONTINUATION OF POST'S EFFORTS TO EXPOSIT U.S. POSITION ON LAW OF THE SEA, USIS CO-SPONSORED WITH KOREAN LEGAL CENTER ONE DAY SEMINAR, WITH AMBASSADOR MCKERNAN GIVING KEY-NOTE ADDRESS AND ACTING AS FOCUS OF SUBSEQUENT DISCUSSION.

SEMINAR PAPERS WERE "U.S. POLICY ON LAW OF THE SEA" BY AMBASSADOR MCKERNAN, "SOME PROBLEMS IN THE OCEANBED" BY DR. LEE, HAN-KEY, PROFESSOR OF LAW, SEOUL NATIONAL UNIVERSITY, AND "LEGAL PROBLEMS ON NON-RESOURCES USES OF THE OCEAN" BY DR. JONG-SUNG, DEAN, DAN KOOK UNIVERSITY LAW COLLEGE. IN ADDITION TO LAWYERS SPECIALIZING IN SUBJECT, SEMINAR WAS ATTENDED BY REPRESENTATIVES FROM FISHERY AND PETROLEUM COMPANIES AND A LEADING KOREAN MARINE GEOLOGIST. THE SUPREME
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COURT CHIEF JUSTICE MADE WELCOMING SPEECH. PARTICI-

PANTS APPROXIMATED 50 WITH ADDITIONAL 20 OBSERVERS. DE. LEE'S PAPER SURVEYED HISTORICAL BACKGROUND AND POST-WORLD WAR II CHANGES IN VARYING INTERNATIONAL ATTITUDES TOWARD JURISDICTIONAL AND DEFINITIONAL ASPECTS OF SHELF AND SEABED. PAPER POINTED OUT EXISTING AND EMERGING PROBLEMS AS "CREEPING JURISDICTION" IS EXTENDED OVER SHELF AND SUPERJACENT WATER COLUMN, AND DIFFERING NATIONAL CLAIMS ARE MADE OVER LIVING AND NON-LIVING RESOURCES. IT RECOGNIZED THAT CHAOTIC SITUATION IS DEVELOPING, BUT ATTEMPTED NO POLICY RECOMMENDATIONS.

IN HIS PAPER DR. PARK SUPPORTED TWELVE MILE LIMIT FOR TERRITORIAL SEA PROVIDED RIGHT OF FREE TRANSIT FOR ALL SHIPS AND AIRCRAFT BE SECURED. HE SUGGESTED INTERNATIONAL SAFETY STANDARDS BE APPLIED TO STRAITS LESS THAN 24 MILES, WITH TRANSITING CRAFT LIABLE FOR DAMAGES IF TRAFFIC RULES NOT OBSERVED. PARK ALSO CALLED FOR COMPLETE REJECTION OF EXCLUSIVE ECONOMIC AND FISHERY ZONES AND PATRIMONIAL SEA. (DR. PARK'S VIEW PROBABLY ARE REGARDED AS EXTREMES BY HIS COLLEAGUES).

DISCUSSION SHOWED THAT 1945 TRUMAN DECLARATION IS GIVEN CONSIDERABLE WEIGHT BY KOREAN LAWYERS, THAT THEY SAW SIMILARITY BETWEEN THIS AND 220 MILE EXCLUSIVE ZONE CLAIMS BY SOME SOUTH AMERICAN COUNTRIES, THAT LAWYERS TENDED TO ASSUME A DEVELOPED-DEVELOPING COUNTRY CONFRONTATION ON LOS, WITH LDC'S (INCLUDING KOREA) REQUIRING SPECIAL CONSIDERATION, RATHER THAN TO ANALYZE DIFFERING LOS INTERESTS OF INDIVIDUAL COUNTRIES, AND THAT SO FAR THERE HAS BEEN VIRTUALLY NO INTER-DISCIPLINARY APPROACH TO LOS PROBLEMS IN KOREA.

NEVERTHELESS, FROM POST-SEMINAR DISCUSSIONS IN WHICH AMBASSADOR MCKERNAN PARTICIPATED IT APPEARS ROK CLOSE TO FORMULATING POSITION APPROACHING THAT OF U.S. PRESS COVERAGE AMPLE; WASHINGTON PRODUCED VTR WILL BE USED AS FOLLOW-UP IN ALL CENTERS. LOUIS BROWN VISIT OF OCTOBER 19TH HELPED FOCUS ATTENTION ON SUBJECT AND SET STAGE FOR SEMINAR.

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IN POST'S OPINION WE HAVE HAD SUCCESSFUL, FULLY ORCHESTRATED EFFORT ON ONE ASPECT AMERICAN FOREIGN POLICY WHICH MADE MAJOR IMPACT ON KOREAN LEGAL THOUGHT. MUCH CREDIT GOES TO AMBASSADOR MCKERNAN PERSONALLY. BECAUSE OF HIS PARTICIPATION, SEMINAR WAS ABLE TO ATTRACT LEADING KOREAN FIGURES, AND HIS THOROUGH KNOWLEDGE OF THE FIELD WHICH QUICKLY BECAME APPARENT

TO ALL PARTICIPANTS LENT WEIGHT AND CREDENCE TO ALL
HIS STATEMENTS.
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